Department.

SERIES.

G.O. NO. 3002

Dated 15th December 1948.

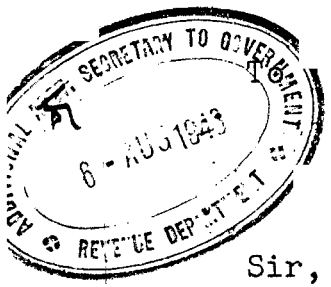
[Despatch Abstract.]

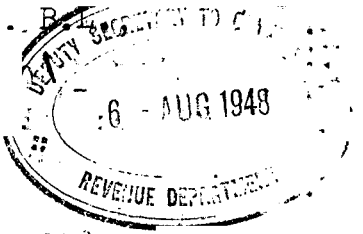
Public Servants - (South Kanara) - Syed Muhammad Sahib - formerly Special Deputy Talsildar for detection of forest offences - Departmental Enquiry - Papers - Recorded.

GOVERNMENT OF MADRAS
Special Officer (Departmental Enquiries)-

From.

Sri Diwan Bahadur T. Anantha Acharva.. B.A... B.L...
Special Officer.





The Secretary to the Government of Madras,
Revenue Department.

Dated, Fort St. George, the 4th August 1948.

Sir,

Ref: G.O.No. 1882, Revenue (strictly confidential) dated the 6th August 1947.

Sub: PUBLIC SERVANT - Mr. M. Syed Mahamed Sahib, formerly Special Deputy Tahsildar for detection of forest offences, Coondapur - Allegations of corruption - Departmental Enquiry - D.E.130/47.

My report and the records (as per list) relating to the enquiry into the conduct of Mr. M. Syed Md. Sahib are sent here-

Receipt of the same may kindly be acknowledged.

1. 25-8-47 - Charge.
2. 29-9-47 - Written statement of the accused officer with its enclosures...
3. 26-7-48 - Further written statement of the accused officer.
4. Depositions of P.Ws.1 to 8 and D.Ws.1 to 4.
5. Statement of the accused officer before the Special Officer.
6. Exhibits P-1 to P-7 and D.1 to D-6.
   (NOTE: Exhibit D-1 and D-2 are in the Special Deputy Tahsildar's file L.Dis.102/46 -- 34 pages)
7. Copies of statements of witnesses recorded at the preliminary enquiry and other enclosures received with G.O.No.1882, Revenue, dated 6th August 1947.

Rev.Dept.

Memo No.45136 G/48-2 dated

Public Servants - (South Kanara) - Mr.M.Mahamed Sahib Syed - formerly Special Deputy Tahsildar, for detection of forest offences- Departmental Enquiry.

-2- From the S.O.D.E. No.D.1906 dated 5.8.48.

The report of the S.O.D.E. ~~with the connected~~ records ~~on the subject mentioned above~~, have been

Conf 91

~~45X36XXXXXXXXX~~

Memo No.45136 G/48-1 dated 16.X.48

Public Servants - (South Kanra) - Mr.M.Syed Mahamed Sahib formerly Special Deputy Tahsildar for detection of forest offences- Departmental Enquiry

Read : G.O.No.1882 Rev. (Strictly Confdl.) dated 6.8.47.
From the S.O.D.E D.No.1906 dated 5.8.48.

The S O.D.E. has forwarded his report and the ~~connected~~ records/~~against~~ of enquiry into the conduct of Mr.M.Syed Mahamed Sahib, formerly Special Deputy Tahsildar, for detection of forest offences in Coondapur taluk South Kanara district. The report and the records of enquiry are forwarded to the Collr.of South Kanara for necessary further action. The attention of the Collr. is invited to the instructions contained in para 2 of G.O.No.3389 Public (Ser(dated 25.11.44. Copies of the final orders passed in the matter should be ~~sent~~ submitted to the Govt./ and the Supt. of Police,X-Br.C.I.D. for information. The receipt of the report of the S.O.D.E and the connected record ~~of the S.O.D.E.~~ sent returned by him should be acknowledged

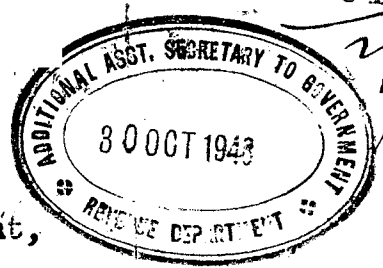
Ref.A2.10750.48(Confidential)

S.K. Collector's Office,
Mangalore, dated 27.10.48.

616154

From

S.R. Kaiwar Esq., M.A., I.C.S.,
Collector of South Kanara
MANGALORE.



To

The Secretary to the Government,
Revenue Department,
MADRAS.

Sir,

PUBLIC SERVANTS- (South Kanara) Mr. M.Sayed Muhammad Saheb- Formerly Special Deputy Tahsildar for detection of forest offences- Departmental enquiry- Government order- Receipt of records- Acknowledged.

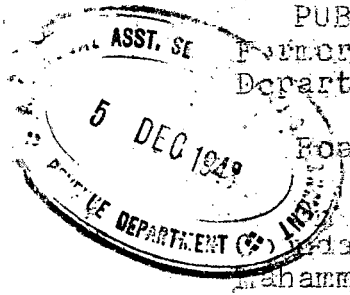
.....

Ref: Government Memo. No.45136-G-48-1 dated Revenue dated 16.10-48.

The report of the Special Officer, Departmental enquiries and connected records as detailed in the list appended to the Government Memo cited above have been received.

Proceedings of the Collector of S.Kanara.
Present: S.R.KALYANAR ESQ.,MA.,ICS
Ref.A2.10750-48(Confdl) dt

PUBLIC SERVANTS: South Kanara --Mr.M.Sayed Muhammad Sahib -- Formerly special Dy.Tahsildar for detection of forest offences-- Departmental enquiry--orders passed.



Read: Govt. Memo (Confdl) No.45136 G/46-1 dated 16.10.46

On a petition sent by the Secretary, Town Congress Committee, Kundapur containing allegations of corruption against Mr.Syed Muhammad Sahib who was working as special Deputy Tahsildar for detection of forest offences in Coondapur taluk S.Kanara District an enquiry was held by the Special Officer for Departmental Enquiries who framed a charge containing five distinct allegations of corruption against the accused officer. The Special officer after enquiry acquitted Mr.Syed Muhammad of all the charges.

I have gone through the records. I accept the findings of the Special Officer for Departmental Enquiries and record the papers.

To Mr.M.Syed Muhammad Sahib, Dy.Tahsildar, Buttwal.
Copy to the Secretary to Government (Revenue Department) Madras, and to the Superintendent of Police X Branch, C.I. for information; copy to the Revenue Divisional Officers Coondapur and Mangalore.

(No 45136 B/48) Read Ro No. 1882 Rev 6/47

P1 Cy From the SO & E D No. 1916 dated 5

P2 Cy To the Collr of South Kanara,
memo No. 45136 B/48-1516x-0

P3 Cy From the Collr of South Kanara,
Rep A2-10759/41-CS 30 11 48

GOMs 3002 D/15/12.48.

Recorded

GOVERNMENT OF MADRAS.
TRIBUNAL FOR DISCIPLINARY PROCEEDINGS.

CONFIDENTIAL.
Letter No. D.E.130/47-1 49

From

Sri T. Anantha Acharya, B.A., B.L.,
Chairman.

To

The Secretary to the Government
Revenue Department, Fort St. George,
Madras.

Dated, Fort St. George, Madras, the 8th February 1949.

Sir,

Sub: Public servant - Mr.M.Syed Mahamed Sahib, formerly Special Dy. Tahsildar for detection of Forest Offences, Coondapur - Departmental Enquiry No.130 of 1947.

I request to be informed whether final orders have been passed on my report dated 3rd August 1948 recommending acquittal and if so a copy of the final order may be communicated to me as required in G.O.Ms.No.943, Public (Services) dated 25th March 1947.

Memo No 8706 ~~D~~49 - 17 - Vig

Public Servants - (South Kanara)
M. Syed Mohamed Sahib - Formerly
Bye Bailiff for detection of
forest offences - Departmental Enquiry
on the charges, T for D f
No 323/~~49~~ dated

A copy of the South Kanara Collr's Proceedings
dated 30.11.48 and a copy of the Govt
No 3002 Rev 8 15-12-48 are forwarded
with the chairman, T. for D f

SH
6.2.49

6 recd

IT

After done, the papers may be
returned with the Govt ®

SH 6.2.49 6 recd 17.2.49

Public Servants- (South Kanara) - Mr.M.Syed Mahamed Sahib formerly Special Deputy Tahsildar for detection of forest offences - Departmental Enquiry - Report.

G.O.N .1882 Revenue (Strictly Confdl.) dated 6.8.47.

From the Special Officer for Departmental Enquiries
D.No.1906 dated 5.8.48.

To US

Please see the reference from the S.O.D.E. at page 1 cf.

2. The S.O.D.E. has sent his report on the enquiry against Mr.M.Syed Mahamed Sahib, formerly Special Deputy Tahsildar, for detection of forest offences, Coondapur, South Kanara district. He framed a charge containing five distinct allegations of corruption against the officer. The S.O.D.E. has acquitted the officer of allegations 1 to 3. In respect of allegation 4, he holds that it is not proved. As regards allegation 5 the two witnesses who are to speak to this allegation were ... available and there is no other evidence to prove this. The accused officer is and he has formally acquitted the accused officer of this allegation. 5 Regarding the allegation that the accused officer earned a bad reputation by being a corrupt official, the S.O.D.E. considers that it is difficult to say that sufficient evidence was let in to show that the reputation of the accused officer was bad . In the result the S.O.D.E. has acquitted the accused officer of all the allegations.

3. With reference to para 2 of G.O.No.3389 Public (Ser) dated 25.11.44, the S.O.D.E's report of his findings in the enquiry and the connected records have to be forwarded to the Collector of South Kanara for necessary futher action in the matter. The Collector may be requested to acknowledge the receipt of the report and the connected records. The receipt of the report and the connected records from the S.O.D.E. may also be acknowledged. Two draft memos are submitted for approval. After issue of draft I the file may be circulated to H.M(L.R.) and H.Pr. may see drafts before issue

Issued as Memo to the Collr of South Kanara
dated 5-1-48

From the Collr of South Kanara, Regd
10750/48 - dated 30/12/48

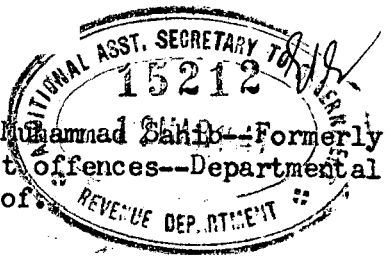
TOM

Please see the notes on plaint memo to the Collr. of South Kanara at p 4 cf and the copy of the Collr's proceedings at page 7 cf.

2. The Collr. had agreed with the findings of the S.D.E, and who had acquitted Syed Muhammad formerly Special Dy Tahr. for detection of forest offences, of all the charges. No further action is called for. The papers may be recorded. A draft order is sent for approval

TSK
7.1.49

Subject



PUBLIC SERVANTS--(South Kanara)--M.Sayeed Muhammad Sahib--Formerly Special Deputy Tahsildar for detection of forest offences--Departmental enquiry--Special Officer's report--Copy--Grant of.

--

Ref.D.1561/49-1,

Station:-Madras. Dated 10th March, 1949.

From

Mohammad Sultan Mohiuddin Hussain Sahib Bahadur, B.A.,
Additional Joint Secretary, Board of Revenue.

—

W.R.S.Sattianathan Esq., I.C.S.,
Commissioner of Land Revenue and Commercial Taxes.

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Read the following:-

From the Collector of South Kanara, Ref.A2.2/6720/48, dated 10/2/49.

—

REFERENCE

Submitted to the Government.

2. Generally when the Special Officer for Departmental Enquiries, after enquiry, considers that the charges framed against a Government servant are proved and recommends suitable punishment to the authority competent to pass orders, the findings of the Special Officer are being communicated to the delinquent, if the proposed punishment is one of those mentioned in Clauses (iv), (vi) ~~an~~ (vii) and (viii) of Rule 8 of the C.C. & A.Rules. The Board, therefore, sees no objection to the grant of a copy of the Special Officer's findings in the case referred to by the Collector.

for Additional Joint Secretary.

To the Secretary to Government, Revenue Department. with the Collector's
G.R.11/3/49. letter in original.

PUBLIC SERVICE — South Kanara — Alleged misconduct with — formerly Special Deputy Tahsildar for detection of forest offences — Departmental enquiry — Special Officer's report — Copy — Grant of.

—

Ref.C.1501/49-1.

Station:-Madras. Dated 10th March, 1949.

From

Mohamad Sultan Zahiruddin Hussain Saib Bahadur, B.A.,
Additional Joint Secretary, Board of Revenue.

—

To

V.M.S.Subbiamathan Esq., I.C.S.,
Commissioner of Land Revenue and Commercial Taxes.

—

Read the following:

From the Collector of South Kanara, Ref.C.2970/48, dated 10/2/49.

—

SUBJECT

Submitted to the Government.

2. Generally when the Special Officer for Departmental Enquiries, after enquiry, considers that the charges framed against a Government servant are proved and recommends suitable punishment to the authority competent to pass orders, the findings of the Special Officer are being communicated to the delinquent, if the proposed punishment is one of those mentioned in Clauses (iv), (vi) ~~as~~ (vii) and (viii) of Rule 8 of the C.C. & A.Rules. The Board, therefore, sees no objection to the grant of a copy of the Special Officer's findings in the case referred to by the Collector.

To the Secretary to Government, Revenue Department, with the Collector's G.O.11/3/49. Letter in original.

for Additional Joint Secretary.

Ref.C.No.A2.26720-48.

S.K.Collector's Office,
Mangalore dated 10-2-49.

From

RI N.C.THOMAS, B.A.
Collector of South Kanara.

To

The Secretary to Government,
Revenue Department,
adras.
ough
he Secretary to the Board of
evenue,
and Revenue & Commercial Taxes,
adras.

Sir,

PUBLIC SERVANTS- (South Kanara)--Mr.M.Sayed Muhammad Saheb--Formerly Special Deputy Tahsildar for detection of forest offences--Departmental enquiry--Special Officer's report--copy--grant of--orders solicited.

Ref: Govt. Memo Confdl.No.45136-G/48-1 Rev. dated 16.10.48.

Mr.M.Sayed Muhammad, formerly Special Deputy Tahsildar for detection of forest offences, was acquitted of all the allegations against him in report D.E.No.130/1947 dated 3.8.48 of the Special Officer for Departmental enquiry communicated with the Government memo cited above. He has now filed a petition to the effect that he had requested the Special Officer to prosecute the persons responsible for the false accusation against him, and that he may be now granted a copy of the Special Officer's findings to enable him to urge necessary action against the persons concerned. Under paragraph 9(iii) of B.S.O.No.173, I solicit instructions as to whether a copy of the Special Officer's report may be granted to him.

Item No 15212 C/49-2 of Revenue

Public servants - (South Kanara)
Mr M. Syed Mohomad Sahib - formerly
Spl. Dy Tahr for detection of
forest offences - D.E. & Grant of a copy
of the Spl. officer's report. negatived

Read Memo 3002 Rev 5 151248
From the Bd of Rev. Ref D. 1561/49.
dated 10.3.49

The Bd of Rev is informed
a copy of the report dated
5.8.48 of the Spl. officer for Depte
Departmental Enquiries, should
not be granted to the accused
officer, Mr M. Syed Mohomad Sahib,
formerly Spl. Dy Tahr for detection
of forest offences

TSK
21 Nov 49

22.11.49

Public Servants-(South Kanara)- Mr.M.Syed Mohamad Sahib formerly Spl.Dy.Tahr. for detection of forest offences- D.E.- Grant of copy of the Spl.Officer's report.

From the Bd.of Rev. Ref.D.1561/49-1 dated 10.3.49.

To US

Please see the Board's Ref. in the Cf.

The Spl.Officer for D.E.,who enquired into the conduct of ~~xxx~~ Mr.Syed Mohamd Sahib, formerly Spl.Dy. Tahr.for detection of forest offences,~~xx~~ reported that the accused officer was acquitted of all the charges. The report in original was forwarded to the Collr.of South Kanara for necessary further ~~xxx~~ action with reference to ~~&~~ para 2 of the G.O.No.3389 Public (Ser.) dated 25.11.44. The Collr. agreed with the findings of the Spl.Officer for D.E. and recorded the papers in his Proceedings dated 30.11.48. The Collr. now states that Mr.Syed Mohamd sahib has applied for a copy of the findings of the Spl.Officer for D.E. to enable him to urge necessary action against the persons concerned. The Board considers that a copy of the findings of the S.O. D.E. may be furnished to ~~xxx~~ ~~x~~ Mr.Syed Mohamad Sahib. There does not seem to be any objection ~~in~~ to the grant of ~~xx~~ a copy of the Spl.Officer's findings to ~~xxx~~ Mr.Syed Mohamad. This dept. may agree with the Board.

3. The case may be sent to the Chairman, Tribunal for Disc. Proceedings and the Public (Sgr) for remarks. The Chairman, T for D.P. may also be requested to put up a copy of his findings for reference in this ~~xxx~~ file as the original ~~xxx~~ intended for the Collr. was sent to him with the Govt.memo dated 16.10.48.

10/7.11.49

There is no provision for the grant of the copy of the report of the Enquiring officer in Dept. Enquiries - to the accd officer. R 15(b) ii contemplates the grant of the copy only when some punishment is proposed to be inflicted

Here the accd officer wants a copy for the express purpose of taking action against some witnesses. It may be provided art. 466 under G.O. 902 (Public Services Dept) d. 28.5.30. the fullest publicity must not only be assumed but if necessary be formally given to all witnesses whose exam. is required for Dept. Enqy."

In practice (ever since this office started) such reports are never given to the accd. officer. If the accd officer get a copy & are permitted to take action such as the one threatened here, no witness will come forward at all to give evidence

I am therefore definitely against deviating from the established practice

Para 20-A & Note II

in A on 13-14 & ref cl (b)

C.NO 1357 9/11/49.

Put (Sr, Dft.

Please see Pt 1-2 above. This department with the chairman of the Tribunal that a copy of the Enquiring Officer's report should not be furnished in cases like the one under reference. The file may be returned to Revenue.

12/11/49

Pl. 23051 8/11/49

Put Ver. EA

CO NO. 1357/